

~~MAILED TO/COUNSEL~~

CAL STUART
 Det No.: 07 R 3136
 MOUNT McGREGOR CORRECTIONAL FAC.
 1000 MOUNT McGREGOR ROAD, BOX 2071
 WILTON, NEW YORK 12831

May 8, 2008

The Honorable Loretta Preska
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

USDSNY	DOCUMENT
ELECTRONICALLY FILED	
DOC #:	5/21/08
DATE FILED:	5/21/08

RECEIVED

MAY 20 2008
 LORETTA A. PRESKA
 U.S. DISTRICT JUDGE
 S. D. N. Y.

Re: Stuart v. American Insulation, et als
 08 CV. 3923

Dear Judge Preska:

On May 6, 2008 I received from the court an Order of Dismissal with respect to the Asbestos-related action I filed. The order cites the fact that I did not submit an Authorization Form to deduct the required filing fee from my inmate account at the Mount McGregor Correctional Facility. This form was purportedly mailed to me on January 7, 2008.

Unfortunately, exactly on that date I was in the prison infirmary having contracted a deadly infection known as "Ludwig's Angina". (Attached is documentary proof of my hospitalization.) On January 8, 2008, I was transported to Albany Medical Center where I remained in intensive care until January 23, 2008. I was then hospitalized in the Mount McGregor Infirmary until February 23, 2008. I did not receive any mail until I was discharged from the hospital in early March. I do not ever recall receiving this form from the Clerk's office. Additionally, I wrote the pro se office for assistance because I had a statutory deadline. Many of my current medical conditions surround my asbestosis/pulmonary fibrosis.

Due to my condition I have gone on many outside medical trips. Now because of my illness and the extenuating circumstances of not receiving a form, the court, sua sponte, dismisses the case.

Due to these circumstances, could you kindly allow me time to complete this Authorization so that I can properly pursue this important claim.

Thanking you in advance for your kind cooperation and understanding.

Upon Mr. Stuart's submission of the Authorization form within 30 days of the date hereof, the action shall be reinstated.

CS:ms
 Enclosures

SO ORDERED

Loretta A. Preska
 LORETTA A. PRESKA
 UNITED STATES DISTRICT JUDGE

May 20, 2008